



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,160	07/10/2000	Chang-Hoi Koo	678-515(P9466)	9210

7590

10/09/2003

Paul J Farrall Esq
Dilworth & Barrese
333 Earle Ovington Boulevard
Uniondale, NY 11563

EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
----------	--------------

2661

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,160

Applicant(s)

KOO ET AL.

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 12, 14, and 16 are rejected under 35 U.S.C. 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as their invention.

In claim 4, line 1, "the message transmitted on a forward common channel" lacks antecedent basis.

In claim 12, line 9, a receiver is generally not reserved, though channels often are.

In claim 14, line 3, "reserving an available reverse common channel to be designated in a physical channel of the base station" is indefinite. What is designated in a physical channel ? Is the physical channel in the base station ? Similar reasoning applies to claim 16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 8, and 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,275,478 to Tiedmann Jr.

With regard to claim 1, Tiedmann Jr. teaches the base station designating a reverse common channel and its associated parameters, including power levels and indicating time on a

reverse channel, by transmitting this information to a mobile station, as described in col 3 lines 29+, col 5, lines 55+, col 8 lines 5+, and col 7, lines 45+, wherein while it is not explicitly stated that the reverse channel is a *common* channel, for all intents and purposes, to "regulate access to the multiple access channels by the mobile stations" (col 5, lines 65+) obviously defines such a channel.

With regard to claim 4, col 1 lines 26+ teaches that it is well known in the art to send messages on page channels, which would obviously include general page messages.

With regard to claim 8, Tiedmann Jr. teaches the invention as described above, wherein the information is analyzed by the mobile and use is made of the data as described in col 5 lines 60+, wherein transmit (action) time is defined as above, and a response message is noted in col 3 lines 29+, and use of a spreading channel on the reverse channel is mentioned in col 5, lines 55+.

With regard to claim 12, note the rejection of claim 1 above, wherein the base station acts as a message generator for generating channel parameters on the forward channel transmitter and receiving a reply from the mobile stations.

With regard to claim 13, again note the rejection of claim 1, wherein the mobile station inherently includes a receiver for receiving the message and means for analyzing the message which includes the parameters previously discussed including action time, and means for generating a response on the reverse channel.

With regard to claim 14, the base station reserves the power channel in a reverse common channel through the use of the parameters it sends to the mobile stations as discussed above, wherein the parameters sent are of a signaling nature which would obviously be generated through the use of a signaling layer or a related group of signaling means such as a collection of

Art Unit: 2661

software in the base station for carrying out this process. With regard to claim 15, note the above, in addition to the fact that, as mentioned above, in col 5 lines 55+ a spreading code is discussed.

5. Claims 16 – 19 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,275,478 to Tiedemann Jr. as applied above, and further in view of U.S. patent 6,198,936 to Yang et al.

With respect to claim 16, Tiedmann Jr. teaches the invention as described above, including the base station transmitting channel parameters on the forward channel. Tiedmann Jr. does not, however, teach the use of a link access control layer to construct the transmission message. Constructing a control message through the use of a link access control layer is taught in col 2, lines 5+, col 3, lines 10+, and figure 1 of Yang et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have used a link access control layer to assist in the construction of the control channel information transmitted on the forward channel in Tiedmann, in light of the teachings of Yang et al, in order to provide a means for further facilitating the transmission of this information.

With regard to claim 17, the mobile designating the reverse channel is described in paragraph 3 above, as are each of the claimed elements, except for the link access control layer, which is as noted before taught in Yang et al. With regard to claim 18, note the rejection of claim 16, as well as the fact that Yang et al also teaches the use of a MAC layer for control message construction as described in the abstract and throughout the body of the patent. With regard to claim 19, note the rejection of claim 17, as well as the discussion of the use of a MAC layer in Yang et al immediately preceding.

Art Unit: 2661

6. Claims 2, 6, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,275,478 to Tiedmann Jr in view of U.S. patent (6,539,030) to Bender et al.

With regard to these claims, Tiedmann Jr teaches the invention as described above, but does not teach sending the data rate with the designated channel indicating parameters. Bender et al teach setting the rate on a reverse common channel in fig 4c and col 8, lines 7+, wherein one of ordinary skill in the art would find it obvious to provide this information to Tiedmann Jr so that the reverse channel can send bit streams which meet any required need of the base station. It is noted that with respect to claim 11, the interaction between the base and mobile stations is described in paragraph 4 above.

7. Claims 3, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,275,478 to Tiedmann Jr in view of U.S. patent 6,539,030 to Bender et al as applied above, and further in view of U.S. patent 6,091,717 to Honkasalo et al.

With regard to these claims, Tiedmann Jr/Bender teaches the invention as described above, but does not teach using an ESN mask of the ms to generate the spreading code. This is taught in Honkasalo, in col 3, lines 1+, wherein it would be obvious to use the ESN method of Honkasalo in Tiedmann/Bender in order to provide an efficient means for generating the spreading code.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,275,478 to Tiedmann Jr in view of U.S. patent 6,519,233 to Gutierrez.

Tiedmann Jr. teaches transmitting indicating parameters for a common reverse channel as described above, including the use of an action time, but does not teach releasing the reverse channel if the response message has not been received within a reservation time period (line 16

of claim 5). Gutierrez teaches this in col 4 lines 40+ and col 6 lines 30+, wherein the combination of Tiedmann Jr and Gutierrez noted above renders this claim obvious.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,275,478 to Tiedmann Jr in view of U.S. patent 6,519,233 to Gutierrez as applied to claim 5, and further in view of U.S. patent 6,539,030 to Bender et al.

Tiedmann/Gutierrez teach the invention as discussed above, but do not teach sending data rate on the reverse channel. This is taught in Bender et al as discussed above, wherein the combination of Tiedmann/Gutierrez with Bender et al renders this claim obvious.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,275,478 to Tiedmann Jr in view of U.S. patent 6,519,233 to Gutierrez and U.S. patent 6,539,030 to Bender et al as applied above, and further in view of U.S. patent 6091717 to Honkasalo et al.

Tiedmann/Gutierrez/Bender teach the invention as described above, but do not teach the ESN of the mobile to generate the spreading code. This is taught in Honkasalo et al, wherein the combination of Tiedmann/Gutierrez/Bender with Honkasalo et al renders this claim obvious.

10. The examiner notes with particularity that USPN 6,519,233 to Gutierrez teaches applicants invention in a more general sense (ie, it is not specifically limited to a power channel) than does Tiedmann Jr as discussed above, except that Gutierrez does not teach sending a response message from the mobile station to the base station after receiving the forward message. See especially col 7, lines 19+.

Application/Control Number: 09/613,160
Art Unit: 2661

Page 7

11. Examiner Steven Blount may be reached at the Patent Office between the hours of 9:00 and 5:30, Monday through Friday.

msb
09/14/03
10:00 AM

SB

9/14/03